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Thomas A. Cawley  
PILLSBURY WINTHROP SHAW PITTMAN LLP  
P.O. Box 10500  
McLean, Virginia 22102

In re Application of :  
HARIHARAN, Kandasamy *et al* :  
Application No.: 10/530,951 :  
PCT No.: PCT/US03/18253 :  
Int. Filing Date: 10 June 2003 :  
Priority Date: 10 June 2002 :  
Attorney's Docket No.: 037003-0304261 :  
For: GENES OVEREXPRESSED BY :  
CANCER AND THEIR USE IN :  
DEVELOPING NOVEL :  
THERAPEUTICS :

## DECISION

The decision is in response to the papers submitted on 07 April 2005 which are treated as a petition under 37 CFR 1.181. No fee is required.

## BACKGROUND

On 06 December 2004, applicants purportedly filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371 which was accompanied by, *inter alia*, authorization to charge the basic national fee to Deposit Account No. 03-3975.

On 07 April 2005, applicants filed the subject petition which was accompanied by, *inter alia*, a copy of the papers purportedly filed 06 December 2004, a copy of the PCT Article 19 Amendment filed with the International Bureau on 10 November 2004, and a copy of a stamped receipt for the documents filed 06 December 2004.

## DISCUSSION

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. Applicants must enclose a self-addressed postcard identifying all of the papers filed. The USPTO will stamp the receipt date on the card and place it on the outgoing mail. The identifying data on the card must clearly identify the paper for which receipt is requested. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

In this case, applicants have provided a copy of the date-stamped receipt for documents submitted 06 December 2004. The receipt records that the following

papers were received in the USPTO: Request for National Stage Entry (2 pages); Application Data Sheet; (3 pages); Copy of Amendment Under PCT Article 19 (as filed with the International Bureau of WIPO on 10 November 2004) (10 pages). The filing receipt is stamped as received on "DEC 06 2004" by the USPTO. The title, attorney docket number, and PCT are listed on the receipt.

Accordingly, applicants have provided *prima facie* evidence that the aforementioned papers were received by the USPTO on 06 December 2004.

### **DECISION**

For the reasons above, applicants' petition under 37 CFR 1.181 is **GRANTED**.

This national stage application was timely filed on 06 December 2004. Fees in the amount of \$1,326.00 for the Basic National Fee of \$750.00 and thirty-two additional claims of \$576.00 have been charged to Deposit Account No. 03-3975 as authorized.

A signed oath or declaration was not included with any of the papers submitted.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee pursuant to 37 CFR 1.492(h) are required.



James Thomson  
Attorney Advisor  
Office of PCT Legal Administration

Tel.: (571) 272-3302